

Appl. No. 09/876,442

#### REMARKS

This is in response to the Office Action of 28 July 2005. Claims 1-7 are pending in the application, and Claims 1-7 have been rejected.

By this Response and Amendment, independent Claims 1 and 3 have been amended; and new Claims 8-10 have been added.

No new matter has been added.

In view of the amendments above and remarks below, Applicants respectfully request reconsideration and further examination.

#### About The Invention

The present invention relates generally to methods and apparatus for providing audio data which is added to one or more pre-existing broadcast messages. In this way, the audio data is received by portable devices, without those portable devices having to request audio data from the entities broadcasting the audio data.

#### Rejections under 35 USC §102(e)

Claims 1-7 have been rejected under 35 USC §102(e) as being anticipated by Ravago, et al., (US Patent 6,529,584).

Ravago, et al., disclose methods and apparatus for a navigable audio delivery system that includes an audio application and content. The application includes control data relating to the delivery of audio content to a user replay device. The delivery system facilitates the navigation between logical portions of the audio content by associating tag data with the audio content. The system also facilitates navigation between parallel portions of an audio program by including multiple layers of content in the audio program that is delivered to the user replay device. Importantly, in the system and method of Ravago, et al., a navigation command is received from the replay device, and responsive thereto,

Appl. No. 09/876,442

modifications to the audio data can be made prior to transmission to the replay device.

Applicants' invention is directed to the inclusion of audio data to broadcast messages so that a plurality of portable devices may receive such audio data without having to make a transmission of their own to request the audio data. In this way, the portable devices advantageously conserve battery charge.

Independent Claims 1 and 3 have been amended to make clear that no communication is made from the portable device to the beacon that provides broadcast messages to which audio data has been added. This is different from the disclosure of Ravago, et al., which appears to require two-way communication between a replay device and the source of audio data. Support for these amendments can be generally found throughout the specification, and can more particularly be found at page 3, lines 12-14.

Ravago, et al., do not disclose, suggest, or provide motivation for the claimed one-way broadcast of messages having audio data incorporated therein from beacons to portable devices that monitor broadcast messages and extract the incorporated audio data, and wherein the one-way broadcast is initiated without having to receive any signal from the portable device.

In view of the foregoing, Applicants respectfully submit that rejection of independent Claims 1 and 3 have been overcome. Applicants further submit that rejections of Claims 2 and 4-7 have similarly been overcome.

#### New Claims 8-10

New Claims 8-10 depend from amended independent Claim 1, and are directed to cyclical broadcast of an index of available audio information streams; broadcast of both continuous and discontinuous audio information streams; and the interruption of a continuous audio stream with data from a discontinuous audio stream. Support for Claim 8 can be found in the specification at page 11, lines 3-5. Support for Claims 9 and 10 can be found in the specification at page

Appl. No. 09/876,442


11, lines 18-28.

Conclusion

All of the rejections in the outstanding Office Action of 28 July 2005 have been responded to, and Applicants respectfully submit that the pending Claims 1-10 are now in condition for allowance.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By   
Raymond J. Werner  
Reg. No. 34,752

Dated: 24 August 2005  
Hillsboro, Oregon